

REMARKS

Claims 1-7, 9-14, 16-20 and 24-31 are pending in the application. Reconsideration and withdrawal of the rejections are respectfully requested in view of the amendments and remarks herein.

Claim Rejections – 35 USC § 102

Claims 1-7, 9-20, and 24-27 stand rejected under 35 U.S.C. §102(a) as allegedly anticipated by U.S. Patent No. US 2003/0106045 A1 (“Arnold”). This rejection is respectfully traversed.

At the outset, Applicants note that claim 15 has been cancelled without prejudice or disclaimer of the subject matter therein. Consequently, the rejection of claim 15 has been rendered moot.

Each of claims 1, 13, 17 and 25 have been amended to include the features of each checkpoint including an assertion statement and being assigned to a checkpoint group, as well as the features of associating each checkpoint group with one of a plurality of activation variants that indicates a behavior based on a result of the assertion statement, wherein checkpoint groups associated with an activation variant behave in accordance with the activation variant. As discussed in further detail below, Arnold fails to disclose at least the features of associating each checkpoint group with one of a plurality of activation variants that indicates a behavior based on a result of the assertion statement, wherein checkpoint groups associated with an activation variant behave in accordance with the activation variant.

When applying a reference under 35 U.S.C. §102, it is well established that a “claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”<sup>1</sup> Further, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.”<sup>2</sup> As discussed in further detail below, Arnold fails to set forth each and every element of any of claims 1, 13, 17 and 25. Consequently, Arnold fails to show the identical invention in as complete detail as is contained in any of claims 1, 13, 17 and 25.

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<sup>1</sup> *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)

<sup>2</sup> *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)

Arnold is directed to a method of debugging an object-oriented computer program by tracking the creation of objects by a plurality of creators (see Abstract). More specifically, a plurality of breakpoints are associated with a creation breakpoint, whereby user input is directed to performing operations on the creation breakpoint to manage the plurality of breakpoints as a collective group (see, for example, paragraph [0017]). For example, the breakpoints can be collectively set or removed (see, for example, paragraph [0028]). During processing, the program is halted and debugger information is presented, if a condition that is specified for the particular breakpoint is satisfied (see, for example, paragraphs [0063]-[0065], and Fig. 5). Consequently, if the condition of the particular breakpoint is satisfied, program execution is halted and debugger information is presented. Arnold provides a debugger module 24 that includes components (e.g., a breakpoint manager 32) that establishes and manages the breakpoints described therein (see, for example, Fig. 2).

Arnold fails to disclose the feature of associating each checkpoint group with one of a plurality of activation variants. As discussed above, Arnold associates a plurality of breakpoints with a creation breakpoint. Arnold, however, does not associate the creation breakpoint with a higher level grouping. Furthermore, Arnold fails to disclose the feature of an activation variant that indicates a behavior based on a result of the assertion statement. As discussed above, if the condition of a breakpoint is satisfied, Arnold halts the program execution and presents debugger information. Consequently, Arnold does not describe an activation variant, much less an activation variant that defines the behavior of a checkpoint group based on a result of an assertion statement.

In view of the foregoing, Arnold fails to set forth each and every element of any of claims 1, 13, 17 and 25. Consequently, Arnold fails to show the identical invention in as complete detail as is contained in any of claims 1, 13, 17 and 25. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Each of claims 2-7, 9-12, 14, 16, 18-20, 24, 26 and 27 ultimately depends from one of claims 1, 13, 17 and 25, which define over the asserted reference, as discussed in detail above. Consequently, each of claims 2-7, 9-12, 14, 16, 18-20, 24, 26 and 27 also define over the asserted reference for at least the same reasons. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

*Other Claim Amendments*

Each of claims 2, 9, 14 and 24 have been amended in view of amended claims 1, 13 and 17. Claim 15 has been cancelled without prejudice or disclaimer of the subject matter therein.

New claims 28-31 have been added, and respectively depend from claims 1, 13, 17 and 35. Each of new claims 28-31 includes the feature of the checkpoint groups and the activation variants being established in a maintenance module, and affect operation of a separate debugger module. Because each of claims 1, 13, 17 and 25 define over the asserted reference, as discussed in detail above, each of claims 28-31 also define over the asserted reference for at least the same reasons. Furthermore, and as discussed in detail above, the breakpoints of Arnold are established and managed in a debugger 24. Consequently, Arnold also fails to disclose the feature of the checkpoint groups and the activation variants being established in a maintenance module, and affect operation of a separate debugger module. For the foregoing reasons, favorable consideration and allowance of claims 28-31 are respectfully requested.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

No charges are believed due. However, if any fees are due, they are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13913-083001.

Respectfully submitted,



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